

REMARKS/ARGUMENTS

With the above amendments, claims 1 and 11 have been amended to further define the invention. Claim 11 now contains the same listing of bases as from claim 1 (as amended).

In the Office Action, the Patent Office rejected claims 1 to 15 and 32 to 37 under 35 U.S.C. § 112, first paragraph, as allegedly not being enabling for antireflection layers with only basic compounds; rejected claims 11 to 15, and 32 to 37 under 35 U.S.C. § 102(e) as allegedly being anticipated over Neisser et al (US 2003/0129547); rejected claims 11 to 15 under 35 U.S.C. § 102(e) as allegedly being anticipated over Mizutani et al (US 6808869); rejected claims 1 to 9, 11 to 15 and 32 to 37 under 35 U.S.C. § 102(b) as allegedly being anticipated over Pawlowski et al (US 6277750); and rejected claims 1 to 9 and 32 to 37 under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. These rejections are traversed for the reasons set forth below.

Regarding the rejection under 35 U.S.C. § 112, second paragraph, the Patent Office stated that terms "pyrimidines" and "theobromine" in claim 1 are indefinite and appeared to be misspelled. Regarding "pyrimidines", this term has been deleted from claim 1. As for the term "theobromine", from the original document that was faxed to the Patent Office, the term was correctly spelled as "theobromine". It appears from viewing the faxed document in PAIR, that the quality of the faxed document makes the word appear to be "theobromine". A closer examination of the faxed document from PAIR at a larger magnification reveals that the word is correctly spelled (i.e., theobromine).

In the Office Action, the Patent Office rejected claims 11 to 15 as allegedly being anticipated by Neisser et al. With the amendment to claim 11, Neisser et al do not disclose applicants' amines which are not soluble in the solvent of the photoresist composition which is used with the antireflective coating composition. The solvent that applicants identify in which the base is not soluble is the solvent of the photoresist composition. The rejection is traversed and withdrawal thereof is requested.

Also in the Office Action, the Patent Office rejected claims 11 to 15 as allegedly being anticipated by Mizutani et al. With the amendment to claim 11, Mizutani et al do not disclose applicants' amines which are not soluble in the solvent of the photoresist composition which is used with the antireflective coating composition. The rejection is traversed and withdrawal thereof is requested.

Also in the Office Action, the Patent Office rejected claims 1 to 9, 11 to 15 and 32 to 37 as allegedly being unpatentable over Pawlowski et al. Applicants' invention as now claimed does not contain uracil derivatives in that 'optionally substituted pyrimidine' has been deleted from claim 1. This rejection is traversed and withdrawal thereof is requested.

Regarding the rejection of the claims under 35 U.S.C. § 112, first paragraph, applicants provide sufficient information in their specification as to make up of antireflective coating compositions. See, for example, page 3, line 28 to page 4, line 8; page 7, lines 4 to 15; page 11, line 15 to page 12 line 11. Antireflective coating compositions are well known to those skilled in the art and those skilled artisans will recognize that antireflective coating compositions must contain polymers and radiation absorbers. As stated on page 3, line 28 to page 4, line 8, examples of antireflective coating compositions are disclosed in several US patents, the contents of which are incorporated by reference into applicants' application. Thus, there is sufficient disclosure to support applicants' claims.

Indeed, on page 11, line 15 to page 12, line 11, applicants state that " The polymers, photoacid generators and other ancillary materials (such as solvents, dyes and surface active agents) typically used in antireflective coatings are well known to those skilled in the art." (see page 11, lines 15 to 17). Thereafter, applicants indicate that several polymers that can be used are shown in several US patents that were incorporated by reference above (at page 4, lines 1 to 8). Those patents that were incorporated by reference at page 4, lines 1 to 8, demonstrate what a skilled artisan knows about the antireflective coating compositions and their makeup.

The test for enablement under the first paragraph of 35 U.S.C. § 112, is whether one reasonably skilled in the art could make or use the claimed invention from the disclosed subject matter together with information in the art. Moreover, in determining whether or not a disclosure is enabling, it has been consistently held that the enablement requirement of the first paragraph of 35 U.S.C. § 112 requires nothing more than objective enablement. In meeting the enablement requirement, an application need not teach, and preferably omits, that which is well-known in the art. Those skilled in the art know what are antireflective coating compositions and their makeup.

The Patent Office bears an initial burden of setting forth a reasonable explanation as to why it believes that the scope of protection provided by that claim is not adequately enabled by the description of the invention provided in the specification of the application; this includes, of course, providing objective evidence or sufficient reasons for doubting any assertions in the specification as to the scope of enablement. A specification disclosure which contains a teaching of the manner and process of making and using the invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as in

compliance with the enabling requirement of the first paragraph of 35 U.S.C. § 112 unless there is reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support.

The Patent Office has provided no explanation as to why a person of ordinary skill in the art could not practice the claimed invention. The Patent Office has not satisfied its initial burden of establishing a prima facie case of non-enablement with the language provided in the present and prior Office Actions. The Patent Office has presented only conjecture and no objective evidence in support of the position taken by it in support of the rejection.

It also appears that the documents used by the Patent Office to reject applicants' claims demonstrate that skilled artisans know of antireflective coating compositions. In the Office Action, the Patent Office relied on United States Patent No. 6277750 to reject applicants' claims. Applicants incorporated by reference this patent as showing a conventional antireflective coating composition known to the art. See page 4, line 3 of applicants' specification. Thus, a document used by the Patent Office to reject applicants' claims demonstrates the knowledge of a skilled artisan as to the makeup of an antireflective coating composition.

Because the Patent Office has failed to provide a cogent reason for such a lack of enablement, it is applicants' view that the rejection of the claims over 35 U.S.C. § 112, first paragraph, is traversed and withdrawal thereof is requested.

Applicants submit that the concerns of the Patent Office have been addressed. Withdrawal of the rejections and issuance of a Notice of Allowance is respectfully solicited.

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Respectfully submitted,

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